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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,182	10/27/2000	Taichi Ujigawa	1341.1063/JDH	4451

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EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 04/26/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No

09/697,182

Applicant(s)

UJIGAWA ET AL.

Examiner

Oanh L. Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-3 is/are allowed.
6) ☒ Claim(s) 5-7 is/are rejected.
7) ☒ Claim(s) 8 is/are objected to.
8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: ____.

DETAILED ACTION

Claim 4 has been cancelled.

Claim 1-3 and 5-8 are presented for examination.

Allowable Subject Matter

1. Claims 1-3 are allowed.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear **how said one client can merge the communication blocks from said plurality of clients when each of** client out of said **plurality of clients** set piece of collection information in the communication blocks and **circulates the communication blocks** in which collection results are set **to a next client**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (Gold) (5,864,674) in view of Walsh (US 6,233,601 B1).

Regarding claim 5, Goldman teaches an information collection and distribution system for collecting and distributing information between a server and clients which are connected to a network (e.g., see fig. 1), a final client which has received the pieces of distribution information last out of said plurality of clients transmits the communication block to said one client (e.g., see col. 2 lines 26-33); and said one client relays the communication block transmitted from said final client to said server (e.g., see col. 2 lines 33-35). Goldman does not explicitly teach communication block and circulate the communication block as claimed. However, Walsh teaches wherein the server transmits communication blocks including at least addresses and pieces of distribution information of the plurality of clients to one clients of the plurality of clients through said network (e.g., see col. 4 lines 11-12 and lines 36-50); each client out of said plurality of clients obtains the from the communication blocks, and circulates the communication blocks in which distribution results are set to client next in the order on the basis of addresses (e.g., see col. 3 lines 19-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the list of addresses in communication block for data circulation in the system of Goldman as

taught by Walsh because such list of addresses would enable communication to be directly executed between clients. This would minimize the load of a server and reduce network overhead (Walsh, col. 2 lines 31-22).

Regarding claim 7, Goldman teaches each client other than said one client and said final client transmits the communication block to said one client as intermediate notification when a next client as the circulation destination is in a stop state (e.g., see col. 3 lines 5-11), and said one client relays the communication block transmitted from said client to said server (e.g., see col. 2 lines 33-35).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldman et al (Gold) (5,864,674) in view of Walsh (US 6,233,601 B1) in further view of Akiyama et al (Akiyama) (US 6,212,166 B1).

Regarding claim 6, the combination of teachings of Goldman and Walsh does not explicitly teach server recognizes a client which fails in distribution on the basis of the distribution result set in the communication block transmitted from said one client, and re-transmits the communication block to said failed client. However, Akiyama teaches server recognizes a client which fails in distribution on the basis of the distribution result set in the communication block transmitted from said one client, and re-transmits the communication block to said failed client (e.g., see col. 7 line 65-col. 8 line 12).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the retransmitting step in the combination of teachings of Goldman and Walsh as taught by Akiyama because such recognizing and

retransmitting would enable the server to retransmit communication block to failed client after the normal data distribution has been completed. It is thereby possible to avoid a packet interrupt retransmission and to retransmit the packets without reducing the data distribution efficiency (Akiyama, col. 20 lines 43-46).

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
April 22, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER